

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 92

Introduced by Byars, 30; Friend, 10

Read first time January 6, 2005

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections
2 16-611 and 17-558, Revised Statutes Supplement, 2004; to
3 change provisions relating to the vacation of streets and
4 alleys; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-611, Revised Statutes Supplement,
2 2004, is amended to read:

3 16-611. (1) Upon the vacation of any street or alley by
4 the city, the title to such property shall vest in the owners of
5 the abutting property and become a part of such property, one-half
6 on each side thereof, unless the city reserves title in the
7 ordinance vacating such street or alley. If title is retained by
8 the city, such property may be sold, conveyed, exchanged, or leased
9 upon such terms and conditions as shall be deemed in the best
10 interests of the city. The city may reserve an easement through
11 the vacated property.

12 (2) ~~When an alley is vacated by the city, the title to~~
13 ~~such property shall vest in the owners of the abutting property and~~
14 ~~become a part of such property, one-half on each side thereof,~~
15 ~~unless the alley is taken wholly from one or more lots, in which~~
16 ~~case the title to such property shall vest in the owner of the~~
17 ~~abutting property and become a part of such property.~~

18 ~~(3)~~ When a portion of a street or alley is vacated only
19 on one side of the center thereof, the title to such property shall
20 vest in the owner of the abutting property and become part of such
21 property, unless the city reserves title in the ordinance vacating
22 a portion of such street or alley. If title is retained by the
23 city, such property may be sold, conveyed, exchanged, or leased
24 upon such terms and conditions as shall be deemed in the best
25 interests of the city. The city may reserve an easement through
26 the vacated property.

27 ~~(4)~~ (3) When the city vacates all or any portion of a
28 street or alley, the city shall, within thirty days after the

1 effective date of the vacation, file a certified copy of the
2 vacating ordinance with the register of deeds for the county in
3 which the vacated property is located to be indexed against all
4 affected lots.

5 Sec. 2. Section 17-558, Revised Statutes Supplement,
6 2004, is amended to read:

7 17-558. ~~Second-class cities~~ (1) Cities of the second
8 class and villages shall have power to open, widen, or otherwise
9 improve or vacate any street, avenue, alley, or lane within the
10 limits of the city or village; and also to create, open, and
11 improve any new street, avenue, alley, or lane. All damages
12 sustained by the citizens of the city or village, or by the owners
13 of the property therein, shall be ascertained in such manner as
14 shall be provided by ordinance.

15 (2) Whenever any street, avenue, alley, or lane shall be
16 vacated, the same shall revert to the owners of the abutting real
17 estate, one-half on each side thereof and become a part of such
18 property, unless the city or village reserves title in the
19 ordinance vacating such street or alley. If title is retained by
20 the city or village, such property may be sold, conveyed,
21 exchanged, or leased upon such terms and conditions as shall be
22 deemed in the best interests of the city or village. The city or
23 village may reserve an easement through the vacated property.

24 (3) When a portion of a street, avenue, alley, or lane is
25 vacated only on one side of the center thereof, the title to such
26 land shall vest in the owner of the abutting property and become a
27 part of such property, unless the city or village reserves title in
28 the ordinance vacating a portion of such street or alley. If title

1 is retained by the city or village, such property may be sold,
2 conveyed, exchanged, or leased upon such terms and conditions as
3 shall be deemed in the best interests of the city or village. The
4 city or village may reserve an easement through the vacated
5 property.

6 (4) When the city or village vacates all or any portion
7 of a street, avenue, alley, or lane, the city or village shall,
8 within thirty days after the effective date of the vacation, file a
9 certified copy of the vacating ordinance or resolution with the
10 register of deeds for the county in which the vacated property is
11 located to be indexed against all affected lots.

12 Sec. 3. Original sections 16-611 and 17-558, Revised
13 Statutes Supplement, 2004, are repealed.